



EXECUTIVE CHAMBERS

HONOLULU

NEIL ABERCROMBIE
GOVERNOR

Testimony in SUPPORT of SB 2776 SD2 HD1
Relating to Public Safety

HOUSE COMMITTEE ON JUDICIARY
Rep. Gil Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair

March 21, 2012
2:15 PM, Room 325

Chair Keith-Agaran, Vice Chair Rhoads, and committee members, thank you for hearing SB 2776 SD2 HD1 Relating to Public Safety. I respectfully request your support of this important measure.

As you know, this is one of the priorities of my administration. We want to stop the practice of sending our prisoners out of state because it sends public dollars out of Hawaii instead of creating jobs and community service opportunities here at home.

In the last 9 months, the Justice Reinvestment Working Group has met with the Council on State Governments Justice Center consultants to analyze our criminal justice system and make policy recommendations to realize cost savings and reinvest those savings back into our system to reduce recidivism, decrease the prison population, and strengthen public safety.

We continue to meet with the various stakeholders affected by this bill to work out our differences and appreciate your continued support of this bill.

I would like to defer to Robert Coombs, Senior Policy Analyst for the Council on State Governments Justice Center and Director Jodie Maesaka-Hirata and Deputy Director Martha Torney, of the Department of Public Safety, who will provide more details about the proposed legislation.

Thank you again for consideration of this measure.



SB2776 SD2 HD1
RELATING TO PUBLIC SAFETY
House Committee on Judiciary

March 21, 2012

2:15 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2776 SD2 HD1, which would implement changes related to pre-trial risk assessments and parole capacity as suggested by the Justice Reinvestment Initiative.

OHA's 2010 report, "The Disparate Treatment of Native Hawaiians in the Criminal Justice System," and the recently completed study by the Justice Reinvestment Initiative indicate that there is a clear need for smart justice solutions like those included in this bill. Specifically, the changes to expedite pre-trial risk assessments and increase capacity of the parole commission will reduce needless and expensive incarceration.

OHA has two suggestions regarding the bill:

1. Part IV Section 10 takes twenty-five percent of all moneys deposited into an inmate's account. This can be detrimental for family members struggling to provide their loved ones with basic amenities for writing and personal hygiene. We suggest eliminating the deduction from deposits. This could also be accomplished by creating a separate account for deposits or allowing direct donation of basic amenities that were pre-approved or could be purchased at the facility at cost.

2. Testimony from advocates regarding bail services indicated a clear need for more telephones and greater phone access at facilities. A separate resolution should be crafted, or a review of this matter should be added to this bill.

OHA urges the committee to PASS SB2776 SD2 HD1. Mahalo for the opportunity to testify on this important measure.



The Judiciary, State of Hawaii

Testimony to the House Committees on Judiciary

Representative Gilbert S.C. Keith-Agaran, Chair

Representative Karl Rhoads, Vice Chair

Wednesday, March 21, 2012, 2:15 p.m.

State Capitol, Conference Room 325

by

Cheryl R. Marlow

Adult Client Services Branch Administrator

Bill No. and Title: Senate Bill No. 2776, S.D. 2, H.D. 1, Relating to Public Safety

Purpose: Requires a pre-trial risk assessment to be conducted within three working days of commitment to a community correctional center. Increases the membership of the Hawaii Paroling Authority. Requires the use of validated risk assessments. Limits length of incarceration for first-time parole violators. Increases the percentage deducted from inmates' earnings for restitution payments. Requires release on supervised parole prior to the maximum sentence date. Adds positions in the Department of Public Safety. Appropriates funds. Effective January 7, 2059.

Judiciary's Position:

The Judiciary supports Senate Bill No. 2776, S.D. 2, H.D. 1, Relating to Public Safety, Section 15, subsection (18) and (19) which provide four social worker and two trainer positions for Judiciary probation drug treatment and cognitive behavioral therapy.

The Governor, Chief Justice, Senate President, House Speaker, and Department of Public Safety Director established a bipartisan, inter-branch Justice Reinvestment Working Group comprised of leading state and local officials to receive intensive technical assistance from the Council of State Governments (CSG) Justice Center. The CSG Justice Center assisted the working group in analyzing data from every aspect of Hawaii's criminal justice and corrections system. The Judiciary supports the intent of the Justice Reinvestment Initiative process.



Senate Bill No. 2776, S.D. 2, H.D. 1, Relating to Public Safety
House Committee on Judiciary
March 21, 2012
Page 2

The analysis of data from Hawaii's criminal justice and corrections systems identifies areas of improvement and establishes a statutory structure to improve the criminal justice system by relying on the Department of Public Safety, Hawaii Paroling Authority and the Judiciary's Adult Client Services Branch to effectively implement changes to policies and practices. In order to help achieve this, the bill allocates four full-time permanent social worker positions to the probation department to supervise high risk offenders and work with them to change their thinking to change their behavior so that they do not re-offend and need incarceration. It also funds two full time Cognitive Behavioral Therapy trainers to assist criminal justice staff with techniques that can be used in working with offenders. Cognitive behavioral therapy is based on the idea that our thoughts cause our feelings and behaviors, and people can change the way they think to feel and act better even if the situation does not change. These techniques will help criminal justice staff work with offenders on pro-social goals so that they do not commit further crimes.

Thank you for the opportunity to testify on Senate Bill No. 2776, S.D. 2, H.D. 1.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
HAWAII PAROLING AUTHORITY
1177 ALAKEA STREET, GROUND FLOOR
Honolulu, Hawaii 96813

BERT Y. MATSUOKA
CHAIR

JOYCE K. MATSUMORI-HOSHIJO
MEMBER

MICHAEL A. TOWN
MEMBER

TOMMY JOHNSON
ADMINISTRATOR

No. _____

TESTIMONY ON SENATE BILL 2776, SD2, HD1
RELATING TO PUBLIC SAFETY

BY

HAWAII PAROLING AUTHORITY
Bert Y. Matsuoka, Chairman

House Committee on Judiciary
Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair

Wednesday, March 21, 2012; 2:15 p.m.
State Capitol, Conference Room 325

Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee:

The Hawaii Paroling Authority (HPA) is in support of S.B. 2776, SD2, HD1.

There has been much work placed into establishing the elements of this HD1. The HPA along with a number of other State, County and Community groups have met and discussed the issues of public safety, corrections, probation, parole, recidivism and other topics related to our criminal justice system. With the assistance of the Council of State Governments Justice Center, this bill was crafted.

The Justice Reinvestment Initiative has fostered valuable discussion between groups and has set the stage for future dialog on matters of mutual concern.

The current content of the bill is the result of much discussion. We know that there may be a need for further conversations; however, the basic premise of the initiative is well represented in this HD1. The HPA recommends the following amendment to this measure:

Page 11 (Line 9 through 12) - Delete the entire sentence [The prisoner shall be given credit for time served in custody pending a hearing on revocation of parole as it relates to the six month parole revocation.]

No period of parole revocation begins until parole is revoked by the parole board. Therefore, parole violators do not receive credit for time served against any parole revocation period while awaiting the parole violation hearing and decision. Parole violators are however, given credit for time served against the expiration of their maximum sentence(s).

Thank you for the opportunity to testify on this matter.

**Testimony of the Office of the Public Defender, State of Hawaii,
to the House Committee on Judiciary**

March 21, 2012

S.B. No. 2776 SD2 HD1: RELATING TO PUBLIC SAFETY

Chair Keith-Agaran and members of the committee:

We support passage of S.B. No. 2776 SD2 HD1 which contains a number of statutory changes based upon the recommendations made by the Governor's Justice Reinvestment initiative. We believe that the proposals contained in this bill can greatly relieve stress upon the criminal justice system while maintaining public safety.

In Section 3 on page 5, the bill would require a pretrial risk assessment for all adult offenders within three working days of admission to a correctional center. This expedited risk assessment would assure that those offenders who can be safely released pending their trial would be released in a prompt manner. Certain high-risk offenders such as those facing probation violations, revocations of bail and revocations of supervised release would be exempt from this provision assuring that high-risk law violators will remain in custody and not jeopardize public safety.

In section 5 on page 8, the number of members of the Hawaii Paroling Authority (HPA) would increase from the current three members to five. This would allow the HPA to conduct more hearings thus allowing for more interaction and supervision between the inmate and the parole authorities. It would also allow the HPA to conduct business when more than one HPA member is unavailable.

In section 7 on page 10, the bill would require that certain non-sex offenders who are reimprisoned for a parole violation but who have not: 1) been charged with a new felony offense; 2) absconded from the state; or 3) committed prior parole violations, be detained for no more than six months. This provision would assure that those who are rearrested for a positive drug test or technical violation of parole and who are low-risk offenders will not suffer from excessive prison terms.

Section 10 on page 14 regarding restitution will assure that inmates make progress toward restitution even while incarcerated.

In section 13 on pages 16 and 17, supervised release prior to the expiration of an inmate's maximum sentence is established. This procedure is for inmates who are approaching the expiration of their maximum sentences but who have not yet been paroled. This provision would assure that those offenders receive a period of supervision while they are still under the jurisdiction of the Department of Public Safety. Under the current laws, an offender simply walks out of prison unsupervised once he/she "maxes out" (sentences expires). This provision would protect the public against such a situation.

Hawaii is in need of reform to its criminal justice system. The Justice Reinvestment project conducted a data-driven analysis of our current system and formulated a number of suggestions to make the system more efficient while not sacrificing public safety. S.B. No. 2776 SD2 HD1 would accomplish some of the reforms suggested by this project. We strongly support these changes and urge the passage of this measure.

Thank for the opportunity to comment on this measure.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

JODIE F. MAESAKA-HIRATA
DIRECTOR

Martha Torney
Deputy Director
Administration

Joe W. Booker, Jr.
Deputy Director
Corrections

Keith Kamita
Deputy Director
Law Enforcement

No. _____

March 21, 2012

TESTIMONY ON SENATE BILL 2776, SENATE DRAFT 2, HOUSE DRAFT 1
RELATING TO PUBLIC SAFETY

By

Jodie F. Maesaka-Hirata, Director
Department of Public Safety

House Committee on Judiciary
Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair

Wednesday, March 21, 2012; 2:15 p.m.
State Capitol, Conference Room 325

Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee:

The Department of Public Safety (PSD) is in strong support of Senate Bill 2776, Senate Draft 2, House Draft 1, Relating to Public Safety, the result of work by the Justice Reinvestment Working Group, which was formed pursuant to the State of Hawaii's successful application to participate in the national Justice Reinvestment Initiative (JRI).

The goals of the Justice Reinvestment Initiative are based on a data driven approach to determine what factors contribute to recidivism, how best to address those factors in our community, and how to develop and implement evidence-based best practices to help individuals break their cycle of reoffending. Our recommendations are formulating through careful analysis of a wealth of Hawaii criminal justice data in order to protect the public through sound policy and practice.

We greatly appreciate the support we have received from the Legislature concerning this important measure and the dialogue it has generated. On several points, consensus has been reached among stakeholders as a result of these discussions which resulted in several amendments to the original bill.

Pre-trial Risk Assessment

A risk assessment instrument is an actuarial tool designed to predict an offender's risk of failure to appear and recidivating. To be validated, research is conducted to ensure the tool is, in fact, accurately measuring that risk.

The Intake Service Center (ISC) will be utilizing the validated Ohio Risk Assessment Instrument: Pre-trial Assessment Tool as part of its bail study to the Courts for their consideration when determining whether to release pre-trial inmates from custody. The proposed amendments to Section 353-10, Hawaii Revised Statutes (HRS), requires the ISC complete the risk assessment within three working days, but does not influence how the courts process these cases. To ensure it is well understood that the proposal relates to internal ISC deadlines, we requested an amendment for inclusion with House Draft 1 to clarify that the Intake Service Centers' deadline for completing that assessment is within three working days of admission. Again, this requirement will not impact the manner in which bail reconsiderations are concurrently conducted in the criminal justice system, but rather may assist in prioritizing cases for consideration to improve efficiency.

Hawaii Paroling Authority

The Department cannot stress enough the importance of increasing the number of members of the Hawaii Paroling Authority. Act 92, Session Laws of Hawaii 1976, reconstituted the former uncompensated Board of Paroles and Pardons as a professional board entitled the Hawaii Paroling Authority with a full-time paid chair and two part-time paid members. Since that time, there has been no increase in the number of members while the work load has increased by eight fold. Adding two part-time members will allow flexibility in scheduling hearings and reviewing cases. Chapter 23-700, Hawaii Administrative Rules,

would be amended upon passage of this bill to define how to incorporate the additional part-time members.

Parole of Prisoners

When determining whether to release an inmate, HPA's first consideration is public safety. The best way to measure risk is through the application of an objective risk assessment that predicts the probability of reoffending. Through the application of an objective risk assessment, the members of the Hawaii Paroling Authority will be able to determine whether an inmate is appropriate for release to a community-based treatment program. As above, the use of an actuarial tool designed to predict an offender's risk of recidivating

The members of the Hawaii Paroling Authority have worked diligently with the Administration to craft wording that would achieve the goals of the JRI without intruding on the discretion of the parole board in cases that merit further incarceration. House Draft 1 includes amendments that reflect those discussions.

REINVESTING FUNDS

The Justice Reinvestment Initiative is premised on managing the growth of correctional populations through: 1) valid risk assessments to determine which offenders are better served in community-based programs as opposed to incarceration; evidenced-based approaches, programs and services that do not jeopardize public safety yet reduce admissions to corrections and reduce the length of stay in a correctional facility; 3) expand victim services in all counties; and, 4) reinvest savings generated from reduced corrections spending into communities.

The potential savings that may be realized by reducing the number of inmates placed in Mainland contracted beds through the passage of this measure will be reinvested to support community-based programs and services, increased probation and parole staff, and victim services.

The Department of Budget and Finance forwarded the Governor's Message to reappropriate the anticipated savings in PSD 808, Non-State

Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair
March 21, 2012
Page 4

Facilities, to the programs identified in the attachment. This includes designating funds for the Hawaii Paroling Authority, Crime Victims Compensation Commission, Judiciary, county prosecutor offices, and other PSD program IDs.

Given the anticipated acceptance of the Governor's Message, we are not recommending funding amounts be inserted into Section 15.

SUMMARY

The Department of Public Safety urges this committee to support the proposals included in this measure as a means to optimize the effectiveness of the Hawaii criminal justice system by realigning our guiding principles and reinvesting in programs and services to promote public safety and reduce recidivism. We owe this to our community. We owe this to victims of crime.

Thank you for the opportunity to testify on this important measure and considering the proposed amendments to Senate Bill 2776, Senate Draft 2, House Draft 1.

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU
ADRIENNE KING
CARMILLE LIM
AMY MONK
LISA ELLEN SMITH
CAROL ANNE PHILIPS

Executive Director
Catherine Betts, Esq.

Email:
DHS.HSCSW@hawaii.gov
Web:
www.hawaii.gov/dhs/women/HSCSW

235 S. Beretania #407
Honolulu, HI 96813
Phone: 808-586-5758
FAX: 808-586-5756

March 20, 2012

Testimony in Support, SB 2776, SD 2, HD 1

To: Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair
Members of the House Committee on Judiciary

From: Catherine Betts, Esq., Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in Support of SB 2776, SD 2, HD 1

On behalf of the Hawaii State Commission on the Status of Women, I would like to thank the committee for this opportunity to provide testimony on this issue. I would like to express my support for SB 2776, SD 2, HD 1. The Justice Reinvestment Initiative team provided an independent inquiry into the flaws of our criminal justice system. This bill is based on the sound evidence and thorough analysis performed by the Justice Reinvestment Initiative and attempts to address the huge waste of financial resources that our State pours into a broken system, year after year. This bill would amend statutes to require a quickly conducted pre trial risk assessment, an expansion of the parole board to increase frequency and efficiency of parole board hearings, an increase in restitution to victims of crime and a required period of parole supervision prior to the maximum sentence date.

Conducting validated risk assessments is crucial to preventing financial waste. It would identify those offenders who are at high risk of re-offending, and those who have a relatively low risk for re-offending. As indicated by The Pew Center on the States, "Research consistently has shown that assessing each individual's risk of reoffending, matching supervision and treatment to an offender's risk level and targeting his or her unique criminal risk factors and needs with proven programs significantly improves offender outcomes, reduces recidivism and enhances public safety."¹ Validated and evidence based risk assessments must be done in order for our criminal justice system to function intelligently and function well.

Finally, it is crucial that victims and survivors of crime be addressed throughout this process. This bill would appropriate funds for fifteen victim advocate positions, which would thereby allow the state to create an infrastructure for offender accountability through restitution. Restitution assists in helping victims and survivors of crime move forward, whether it be through treatment, rehabilitation or other forms of rehabilitative care. A quality criminal justice system must maintain some focus on victims and survivors and this bill would ensure that we stop wasting taxpayers money and instead, reinvest those funds into the safety and well being of our community. By focusing on how to best reintegrate the incarcerated and support their rehabilitation, this legislation would allow for safer communities, less recidivism by offenders and less waste of state funds. Please pass SB 2776, SD 2, HD 1. Thank you for your time.

Sincerely,

Catherine Betts, Esq.

¹ Issue Brief, Public Safety Performance Project, The Pew Center on the States, September 2011, available at www.pewcenteronthestates.org/publicsafety.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawai'i

March 21 2012

RE: S.B. 2776, S.D. 2, H.D. 1; RELATING TO PUBLIC SAFETY.

Chair Keith-Agaran, Vice-Chair Rhoads, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony expressing concerns regarding--and suggesting amendments to--S.B. 2776, S.D. 2, H.D. 1.

Section 3 of this bill requires that the reentry intake service center be mandated to "conduct internal risk assessments...within three working days of admission to the community correctional center..." The Department is against this provision because there is already an assessment instrument used to determine whether a bail report should be prepared for the courts. If a bail report is prepared for the court, and indicates the accused is dangerous or a flight risk, the court will hold an expedited bail hearing to determine whether the accused may be placed on supervised release.

Section 5 of this bill would increase the Hawai'i paroling authority from 3 to 5 members. The Department is in favor of this provision.

Section 7 of this bill would limit a parole violator to a 6-month period of re-incarceration or the remaining portion of the prisoner's sentence, whichever is shorter, when parole is revoked. The Department is against this provision. Discretion should be left with the paroling authority to make that determination. In keeping with this rationale of not interfering with the paroling authority's discretion, the Department is also against the provisions of Section 8 and Section 13.

We agree that additional measures are needed to facilitate payment of restitution to crime victims; however, Section 10 of this bill would do very little to improve things, as the vast majority of offenders owing restitution are not in prison, and other sections of this bill propose to release even more people from our prisons. To effectively facilitate restitution payments, the Department

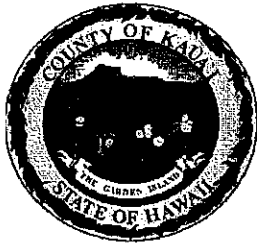
suggests incorporating language from H.B. 2394, to:

1. include unpaid restitution as valid "debt," for purposes of withholding State income tax refunds (similar to outstanding child support or judgments owed to State agencies);
2. remove a court's ability to revoke restitution once ordered as part of a defendant's sentencing (this would not affect their abilities to appeal a conviction);
3. create standards and procedures for income-withholding, similar to those used for outstanding child support payments; and
4. extend victims' access to adult probation records, to include access to payment compliance records, for purposes of enforcing restitution orders civilly.

The Committees should also consider an amendment to HRS §706-746, to apply bail monies toward any restitution owed, once a defendant is sentenced.

In conclusion, before any additional laws are implemented to release prison inmates, all necessary treatment programs and personnel providing for supervision should be in place. The Department would ask that the Committee scrutinize the positions being requested, and consider whether there is a need for "research and planning" personnel. There should be more parole and probation officers.

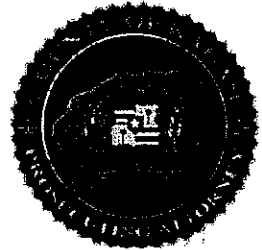
Thank you for the opportunity to testify on S.B. 2776, S.D. 2, H.D. 1.



OFFICE OF THE PROSECUTING ATTORNEY

COUNTY OF KAUAI, STATE OF HAWAII
3990 KAANA STREET, SUITE 210, LIHUE, HI 96766

TEL: (808) 241-1898
TOLL FREE: (800) 668-5734
FAX: (808) 241-1758



Shaylene Iseri-Carvalho
Prosecuting Attorney

Jake Delaplane
First Deputy Prosecuting Attorney

Sam Jajich
Second Deputy Prosecuting Attorney

March 19, 2012

TO: HOUSE COMMITTEE ON JUDICIARY
FR: SHAYLENE ISERI-CARVALHO, COUNTY OF KAUAI PROSECUTING
ATTORNEY
RE: S.B. 2776, H.D. 1; RELATING TO PUBLIC SAFETY

Chair Kieth-Agaran, Vice Chair Rhoads, and committee members, thank you for hearing SB 2776 Relating to Public Safety. We write today because although we generally support the provisions of SB 2776 HD1, we object in part and offer certain recommendations.

Specifically, though we recognize that Section 10 of SB 2776 may be effective in limiting costs spent housing prisoners, we must object to this section. This section amends Section 353-66 of the Hawai'i Revised Statutes by limiting the length of re-incarceration for parole violators who have violated conditions of parole, who have left the state without permission, or who have failed to meet sex offender registration requirements. Though cost effective, this re-incarceration limitation lessens the severity of parole violations. This will lessen the incentive parolees have to abide by the conditions of their parole and may in the long run lead to an increase in costs as the number of parole violations increase. Granted, the section does leave room for the Hawai'i paroling authority to impose greater incarceration for persons posing a significant risk to safety or property, but this authority is discretionary while the limitation requirement is mandatory. We therefore, object to this section and request that it be reconsidered.

We additionally offer recommendations for amendments to Section 9 of SB 2776. This section amends Section 706-670 of the Hawai'i Revised Statutes by requiring the use of validated risk assessments to guide parole decisions at parole hearings. We recommend that these assessments be discretionary, and that they only be factors used in addition to any other factors relevant to the parole decision. This will ensure that additional considerations, not currently within the consideration of the legislature, but arising as the case may be, will not be overlooked and may be part of the parole decision process.

We understand that much thought and hard work has gone into the drafting of this bill and we realize that fiscal responsibility is of paramount importance in this State. We do,

Deputy Prosecuting Attorneys:

Lisa R. Arin
Jared Auna
Lance Kobashigawa

Melinda K. Mendes
Tracy Murakami
Gary Nelson

John H. Murphy
Ramsey Ross
Rebecca A. Vogt

"An Equal Opportunity Employer"

however, recognize that such fiscal responsibility, though important, cannot come before public safety. Therefore we submit the above recommendations. We thank you for this opportunity and look forward to further discussion on the matter.

Mahalo,

A handwritten signature in dark ink, appearing to read 'JD', is written over a horizontal line.

Jake Delaplane
First Prosecuting Attorney, County Of Kauai

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454 / kat.caphi@gmail.com



COMMITTEE ON JUDICIARY

Rep. Gil Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Wednesday, March 21, 2012

2:15 p.m.

Room 325

STRONG SUPPORT SB 2776 SD2, HD1 - JUSTICE REINVESTMENT

Aloha Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals living behind bars, always mindful that almost 1,800 individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SB 2776 SD2, HD1 is based on analysis and policy options developed as part of the justice reinvestment initiative. It amends statutes to require a pre-trial risk assessment be conducted within three working days, expands the parole board and requires the use of validated risk assessments to guide parole decisions, limits the length of incarceration for first-time parole violators, increases victim restitution payments by inmates, and requires a period of parole supervision prior to the maximum sentence date. The HD1 inserted the contents of HB 2514 HD3 into this bill that gives more details.

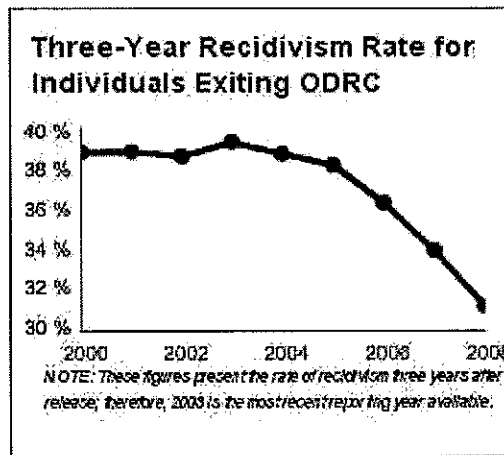
Community Alliance is in strong support of this measure. We appreciate the focus on reentry as a strategy for reducing recidivism, victimization, and enhancing community safety. Establishing community reentry centers that focus on support will definitely help create successful transitions for individuals exiting incarceration and reintegrating with their communities.

We attach hereto an article entitled *Reforming A System: An Inside Perspective on How Ohio Achieved a Record-Low Recidivism Rate* By Gary C. Mohr, Director of the Ohio Department of Rehabilitation and Correction <http://www.nationalreentryresourcecenter.org/announcements/3-12-12>.

EDITOR'S NOTE- In late 2010, Ohio's prisons were 33 percent overcapacity and projected to grow by another 3,000 people over the next four years. State leaders from across the political spectrum came together to tackle this problem – and by June 2011, enacted a policy framework (incorporated into House Bill 86) that reduces spending on corrections and increases public safety.

Now, less than two years later, Ohio's recidivism rate is the lowest it's been since the state adopted its current measurement in 1991. By implementing HB 86, the state hopes to avert the projected prison population growth and thereby avoid an estimated half-billion dollars in additional spending. The new

statute will also ease prison crowding as the population gradually declines to levels last seen in 2008, generating \$46 million in marginal cost savings by 2015.



In this article, Director Gary Mohr, the head of the Ohio Department of Rehabilitation and Correction (ODRC), describes how his agency has helped drive down Ohio's recidivism rate by realigning its policies to focus on reentry and advance the goals of HB 86.

As Director Mohr discusses, HB 86 emerged from a process of extensive data analysis and stakeholder engagement. Using a "justice reinvestment" approach, Ohio received over 18 months of intensive technical assistance from the Council of State Governments (CSG) Justice Center (which coordinates the National Reentry Resource Center), in partnership with the Pew Center on the States and the U.S. Department of Justice's Bureau of Justice Assistance (BJA).

We find it incredibly insulting that the bail bondsmen community has tried to strong-arm the legislature complaining that they were not, as so eloquently described 'shareholders/stockholders', in the JRI process. The Justice Reinvestment Initiative is based on Hawai'i data supplied by agencies from all three branches of government. The recommendations are data driven, evidence-based and proven best practices.

The JRI working group was comprised as a POLICYMAKING body of agencies across the criminal justice system. The bail bondsmen DO NOT create policy; they follow it. Just as the community has a right to weigh in on legislation, so does the bail bondsmen community. The assertion that they should have been included in the state policymaking body is just wrong. They are businesses and as such, can provide input on any legislation affecting their business, as can any citizen.

Justice Reinvestment starts with accurate assessments and we are happy that the Department of Public Safety has taken this to heart and is training their staff. Shortening the time in which competent assessments are done is in line with correctional best practices across the nation as the goal is always to move individuals through the system and not stack up people in the front or back end, clogging the system and creating massive and expensive inefficiencies.

Community Alliance on Prisons supports restitution to make victim whole, although we have some concerns about the dramatic increase in restitution payments. The families that we work with are

struggling to make ends meet and they are the ones who provide funds for their loved ones to purchase items like toiletries, food and needed clothing in the over-priced prison commissaries. Our concern is the impact of taking 25% of those funds from inmates who have little to spare. Perhaps a sliding scale can be implemented so that inmates with ample funds pay more than those with meager funds. Our concern is that the lack of funds for needed items will create a management problem at facilities and a thriving underground economy. We respectfully ask you to consider our concerns in this regard.

We support the release of individuals before their maximum term expiration with supervision, provided that it also includes support for successful reentry. The latest data from the Interagency Council on Intermediate Sanctions (ICIS) show that the rate of recidivism for those serving their maximum term and then released with no supervision or support from the 2008 cohort studied is 69.3%, while the recidivism rate for those on probation for the same period was 48.4% and parole was 48.5%. This dramatically illustrates the need for supervision and support for those exiting incarceration. We found it alarming that the prosecutors were actually recommending changes that were unconstitutional in prior hearings.

Increasing the Hawai'i Paroling Authority (HPA) by adding two part-time members is wise, as long as it is clear that three members are authorized to hold the hearings, while the other two can be reviewing files. We understand that HPA holds approximately twenty-five (25) hearings a day, thus the addition of two part-time members will reduce the burden on the current three members and expedite hearings.

This approach, however, requires a philosophical shift in how people are supervised -- a shift from looking for mis-steps to "How can we help you successfully reenter your community and reach your goals?" We have spoken with parole and probation officials in other jurisdictions and have been told that a supportive environment is what works best for most individuals and systems elsewhere. The data show and many, many experts have asserted that incentives, not sanctions, are what work for those with substance abuse problems. Since the majority of Hawai'i's crime is rooted in substance abuse, this strategy seems a logical one for us to pursue.

Please base your decisions on the thoughtful, data-driven, evidence-based and proven JRI approach and not the private businesses that profit from the current system.

Mahalo for this opportunity to testify.

Attachments:

Reforming A System: An Inside Perspective on How Ohio Achieved a Record-Low Recidivism Rate

By Gary C. Mohr, Director of the Ohio Department of Rehabilitation and Correction

<http://www.nationalreentryresourcecenter.org/announcements/3-12-12>

Honolulu prosecutor's allegiance to status quo runs against evidence

By Kat Brady, Meda Chesney-Lind, Marilyn Brown, Janet Davidson and Carrie Ann Shirota

POSTED: 01:30 a.m. HST, Mar 19, 2012

http://www.staradvertiser.com/editorialpremium/guesteditorialpremium/20120319_Honolulu_prosecutors_allegiance_to_status_quo_runs_against_evidence.html?id=143093536

★Aloha, IAN!

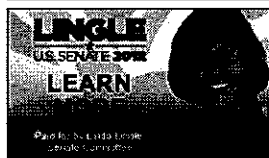
Logout | Manage Online Account

SUBSCRIBE

Customer Service | Place Ad

Like

46k



Star Advertiser

Monday, March 19, 2012

78.0°F

Get all 3 and SAVE
over \$750 per year!
[Home](#) [News](#) [Sports](#) [Business](#) [Editorial](#) [Features](#) [Pulse](#) [Travel](#) [Multimedia](#) [Replica](#) [Long Drugs](#)
[Homes](#) [Jobs](#) [Cars](#) [Classifieds](#)
[Dining Out](#) [Back Issues](#) [Corrections](#) [Obituaries](#) [Traffic](#) [Special Projects](#) [Movies](#) [TV Week](#) [About Us](#) [Customer Service](#)


www.staradvertiser.com > EditorialsPremium > Guest Editorials Premium >

ISLAND VOICES

[Print](#) [Email](#) [Comment](#) [View Comments](#) [Most Popular](#) [Save](#) [Post](#) [Retweet](#)

Honolulu prosecutor's allegiance to status quo runs against evidence

By Kat Brady, Meda Chesney-Lind, Marilyn Brown, Janet Davidson and Carrie Ann Shiota

POSTED: 01:30 a.m. HST, Mar 19, 2012

retweet

Share

0

-- ADVERTISEMENT --

The Justice Reinvestment Initiative (JRI) provides Hawaii with the first independent look at our criminal justice system by professional analysts from the Council of State Government's Justice Center.

The objectives are to increase public safety and eliminate inefficiencies that plague our criminal justice system.

After eight months of work, it was truly disappointing to read that Honolulu's prosecutor, Keith Kaneshiro, opposes a data-driven approach to crime prevention and intervention — one that could save Hawaii taxpayers more than \$150 million.

In his March 7 commentary ("Do proper groundwork before bringing prisoners back to isles," Star-Advertiser, Island Voices, March 7), he made statements that are erroneous and misleading regarding the proposed JRI legislation.

Here are just a few:

» Incarceration was the reason for the decline in crime/victimization.

Actually, crime fell nationally without regard to incarceration rates. Some states, like New York, had more significant reductions in crime rates while simultaneously reducing incarceration rates, whereas other states like Oklahoma saw their crime rate stay the same despite massive increases in incarceration.

» Parole violators can be sent back to prison for only six months.

This is flat wrong. If a new offense is charged, such as evading supervision or a second technical violation, there is no cap.

» Increasing the threshold for felony theft would result in no effective consequence for theft.

Hawaii's felony theft threshold is \$300 and has not been increased since 1988 (nearly three decades). Hawaii is one of only a handful of states with such a low threshold. The bill addresses Class B felony theft that currently requires a five-year prison sentence.

Should the community bear a \$250,000 price tag to incarcerate a person who probably needs substance abuse treatment and has a slim chance of receiving that while incarcerated for a theft of \$301?

This does not pencil out when we know there are more effective alternatives.

» JRI does not provide for more parole and probation officers to supervise the added

STANDING TALL FOR
HAWAII

Muri

HOT DEALS HAWAII



Over
80% OFF
Advanced Family
Chiropractic

BUY NOW

SEARCH

Archive

Mon | Tue | Wed | Thu | Fri | Sat | Sun

Latest News/Updates

Wendy's takes No. 2 spot from Burger King - 11:00 a.m.

Honolulu-bound flight diverted to San Francisco - 10:38 a.m.

Man dies after being pulled out of Waialua River - 10:17 a.m.

Louisiana school board considers green

View All | Breaking News >

Free Tax Planning Seminar

Utilizing the Tax Code. Visit or Call 545-2211 for details.

www.sabuck.com

(5) Signs Of Depression

These 5 Chilling Depression Signs Will Shock You. Learn Them Now.

thelifevibe.com

Polpu Vacations

Deals on Beachfront & Ocean View 1-5 BR Condos + Car & Golf Packages

Suite-Paradise.com/Free-Rent-A-Car

Oahu Plumbing \$50 Coupon

Local Lic. Plumbers 808-621-4851 Clean Sewer Lines Hawaii (Official)

CleanSewerLines.org/Oahu

AdChoices

Columns



Ocean Watch
Dolphins don luminescence to
light a bow-riding night



-- ADVERTISEMENT -- caseload.

In fact, a bill before the Legislature calls for additional probation and parole officers, as well as planners, reentry staff, pre-trial assessment staff, staff for victim restitution and new positions for victim advocates serving all counties.

Hawaii is the first jurisdiction to increase restitution and notification to ensure safety planning for victims.

The members of the bipartisan Hawaii JRI Working Group represent every criminal justice agency in Hawaii, including victim advocates and prosecutors from all four counties. All three branches of government are represented on the working group that reviewed the data, which led to the bills now before the 2012 Legislature.

Hawaii's prison and jail population increased 18 percent from 2000 to 2011 due to delays in the pre-trial process, requiring inmates to complete programs that have little or no effect and allowing prisoners to max out their sentences so they leave prison with nobody watching.

People who have not been found guilty of a crime spend more time in jail in Honolulu than in any of the 39 largest counties in America. Thirty-two of those counties manage to release defendants under non-financial conditions in less than 15 days, compared to Honolulu's 71 days.

Hawaii's taxpayers cannot afford this kind of inefficiency in the pretrial process, and we can't be safe when the most dangerous convicted criminals are being released with no guidance or supervision following prison.

The JRI recommendations reflect Hawaii's desire to enhance public safety and increase the accountability of those who commit crimes. The savings (estimated at more than \$150 million over six years) are the by-product of creating a more comprehensive and data-driven approach to addressing crime and responding to it more efficiently.

Those who oppose these measures essentially support the status quo that costs more and does little or nothing to enhance public safety.

Kat Brady is coordinator for the Community Alliance on Prisons; Meda Chesney-Lind is chair of women's studies, University of Hawaii at Manoa; Marilyn Brown is an associate professor of sociology, UH-Hilo; Janet Davidson is an assistant professor of criminology and criminal justice at Chaminade University; and Carrie Ann Shiota is an attorney on Maui.

ADS BY GOOGLE

Solar for Zero Down Eliminate Your HECO Bill Today With Zero Down Payment www.bonterasolar.com

Honolulu Jobs Search Jobs In Honolulu. Post Your Resume & Get Found Today! www.Monster.com

Bessinger Dermatology Honolulu Board-certified Derm MD Lasers, fillers, skin surgery
www.bessingerdermatology.com

Print Email Comment | View Comments Most Popular Save Post Retweet

COMMENTS 999

You must be subscribed to participate in discussions

By participating in online discussions you acknowledge that you have read and agreed to the **TERMS OF SERVICE**. Any violations of these terms may result in account suspension or deactivation. Please keep your comments civil and in good taste. To report a comment, email commentfeedback@staradvertiser.com.

Leave a comment

Name:

Comment:

SUBMIT COMMENT

bender wrote:

As soon as I saw Kat Brady's name as one of the authors I knew it was going to be an ultra liberal piece, and I was correct, and so was Kaneshiro. It is Brady and company who are wrong. If public safety is the goal, then the status quo is fine.

on March 19, 2012 | 06:37AM

Reply

Kokua Line
Vandalized Nakamura sign to be replaced soon at park

View All | Columns »

Blogs

Volleyshots
Warriors down to No. 12 in poll

Career Changers
Flight Attendant 'Too Old' at 83?

Small Talk
White Doves of Ko'olau

View All | Blogs »



Review:
Foster the
People keep
it simple



PICS: Foster
the People
at Aloha
Tower



Aloha from
SXSW: Last
blast from
Austin



Scene+Heard:
'Alternative
Hi' set for
release



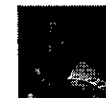
PICS: UH
Rainbow
Warrior
Dancers
Tryouts



PICS:
'Showdown
in
Chinatown'
at Nextdoor



PICS: 'Once
a Month
Punk' at the
Walkiki
Sandbox



PICS:
'Fabric' at
the Design
Center



PICS: St.
Patrick's
Day in
Chinatown



PICS:
'Lucky
Champs'



PICS: St.
Patrick's
Day at
Station Bar



PICS:
Kawaii Kon
2012

- Island Mele: 'Alternative Hi' and Saving Cadence
- KHPR to air Symphony debut
- 'The Boss' takes stage at SXSW
- Violinist steps into Symphony spotlight
- 'American Idol' singer disqualified

This Week in TGIF
Calendar of Events
More Entertainment Coverage

hiloal wrote:

bender, do you have a criticism with the study reported on? If so, please enlighten. I'm ignorant but I'd like to see better public security and victim restitution at lower cost to taxpayers, which the study says it does.

on March 19, 2012 | 08:15AM



Changalang wrote:

My money is on Keith. He knows exactly how to address crime and punishment in our City without the prior showboat antics of our last Prosecutor; quiet, but effective. When a bunch of so called experts get together, it is a matter of reading between the lines to find the common political agenda.

on March 19, 2012 | 06:44AM



HPPdude wrote:

Kaneshiro has to be "tough on crime" as his livelihood depends on it...his incentive is to get more people in jail...

on March 19, 2012 | 09:39AM



Like

Gene Park, Keith Rollman and 8,452 others like this.



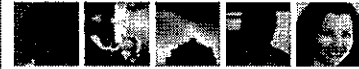
Find us on Facebook



Honolulu Star-Advertiser

Like

46,563 people like Honolulu Star-Advertiser.



Gene Noriko Deborah Bob Janis



Paul Ryan Richard Sandra Dana

Facebook social plugin

HOME	NEWS	SPORTS	BUSINESS	FEATURES	PULSE	HOMES	CLASSIFIEDS
<ul style="list-style-type: none"> Back Issues Corrections e-Edition Movie Showtimes Weather and Surf RSS Twitter Facebook Place My Ad Purchase Photos Terms of Service Privacy Policy Contact Us About Us 	<ul style="list-style-type: none"> Newswatch Police and Fire Obituaries Vital Statistics Island Images Facts of the Matter FLASHback Incidental Lives Kokua Line Lee Cataluna Ocean Watch Volcanic Ash New York Times Special Projects 	<ul style="list-style-type: none"> Ferd's Words Further Review Life in the Minors Hawaii Prep World Hawaii Beat Hawaii Grown Report Scoreboards TV and Radio 	<ul style="list-style-type: none"> The Buzz Parkway Akamai Money Health and Money Tech View Business Briefs Real Estate Sales 	<ul style="list-style-type: none"> By Request K-Drama Outtakes Show Biz Health Options Be Well Tryouts Health Scene Training Day The Green Leaf By the Glass Looking Back Electric Kitchen Urban Gardener Woodcraft 	<ul style="list-style-type: none"> Includes TGIF Photo galleries HAWAII FIVE-0 MULTIMEDIA Video TRAVEL Hawaii's Back Yard Isle Hopping Staycation DINING OUT GAMES 	<ul style="list-style-type: none"> Hawaii Renovation Place My Ad Listings Rentals Foreclosures Find an Agent Homes JOBS Place My Ad Monster.com CARS Place My Ad Hawaii's Cars AutoTrader.com 	<ul style="list-style-type: none"> Place My Ad Obituaries Cars Jobs Foreclosures Homes MEMBER SERVICES Log In Log Out Change Password Forgot Password Manage Online Account ADVERTISING MEDIA KIT

News | Jobs | Cars for Sale | Hawaii Rentals | Hawaii Real Estate | Shopping | Customer Service

MidWeek

PULSE

HI LUXURY

HAWAII.COM

101

Star Advertiser

Copyright © 2012 staradvertiser.com. All rights reserved.

500 Ala Moana Boulevard, #7-210, Honolulu, HI 96813 Telephone (808) 529-4747

**Honolulu
prosecutor's
allegiance to
status quo runs
against evidence**

*POSTED: 01:30 a.m. HST,
Mar 19, 2012*

StarAdvertiser.com

By Kat Brady, Meda Chesney-Lind,
Marilyn Brown, Janet Davidson and
Carrie Ann Shirota

-- ADVERTISEMENT --

The Justice Reinvestment Initiative (JRI)
provides Hawaii with the first
independent look at our criminal justice
system by professional analysts from the
Council of State Government's Justice
Center.

The objectives are to increase public
safety and eliminate inefficiencies that



the Drug Policy Forum

o f h a w a i ' i

Dedicated to safe, responsible, humane and effective drug policies since 1993

March 21, 2012

To: Rep. Gilbert Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair and
Members of the Committee on Judiciary

From: Jeanne Y. Ohta, Executive Director

RE: SB 2776 SD2 HD1 Relating to Public Safety
Hearing: March 21, 2012, 2:15 p.m., Room 325

Position: Strong Support

The Drug Policy Forum of Hawai'i writes in strong support of SB 2776 SD2 HD1 Relating to Public Safety which proposes recommendations made out of the Justice Reinvestment Initiative.

DPFH supports the efforts to make the criminal justice system more efficient and more effective. These changes are necessary because of the ever increasing prison budget. States that have embraced the suggestions of the Initiative have made significant savings, without sacrificing public safety. Strategic and smart changes can reduce costs, allowing for the reallocation of resources to where they will do the most good.

The recommendations from the Justice Reinvestment Initiative are informed by their previous experience in other jurisdictions and by data. The project has the benefit of hindsight, as previous recommendations have been tracked to see how they have worked in those jurisdictions.

A goal of this project is to enhance public safety, while improving the efficiency of the criminal justice system. The savings produced by these new policies are possible because of a comprehensive, data-driven approach to dealing with crime.

In some instances, the research has shown Hawai'i has been wasting precious resources by mandating services and programs to individuals who don't need them.

For example, community-based treatment is more effective and less costly than in-prison treatment; therefore, many low-level, non-violent persons should be in those kinds of programs rather than in prisons, which are hugely more expensive.

We urge the committee to pass this measure. Thank you for the opportunity to provide testimony.



**TESTIMONY IN SUPPORT OF
SENATE BILL 2776 SD2 HD1
RELATING TO PUBLIC SAFETY**

**Robert Coombs, Senior Policy Analyst
Council of State Governments Justice Center**

**HOUSE COMMITTEE ON PUBLIC SAFETY
Rep. Gil Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair**

**March 21, 2012
2:15 PM, Room 325**

Chair Keith-Agaran, Vice Chair Rhoads, and committee members, thank you for hearing SB 2776 SD2 HD1 Relating to Public Safety and for the opportunity to discuss the research we at the Council of State Governments Justice Center have conducted over the last year.

In June, Governor Abercrombie, Chief Justice Recktenwald, Senate President Tsutsui, House Speaker Say and Department of Public Safety Director Maesaka-Hirata joined to launch a Justice Reinvestment Initiative (JRI). JRI is a data-driven approach to identify inefficiencies, develop cost-effective policy options, and plan for a reinvestment of savings that reduces recidivism and increases public safety.

To assist them in this inter-branch, research-based effort, they requested assistance from the Pew Center on the States and the U.S. Department of Justice Bureau of Justice Assistance. The CSG Justice Center was selected to provide intensive technical assistance to Hawaii to conduct a comprehensive analysis of the state's criminal justice system and to help state leaders develop policy options that could increase public safety while saving taxpayer dollars. All of this was done using federal and private funds, meaning this cost the state nothing except the time of staff to participate.

Over the past seven months, an inter-branch JRI working group chaired by the Director of Public Safety, Judge Alm, and the Senate President has guided and informed this effort. Throughout the process, we collected and analyzed data from arrests to court dispositions to probation, prison, and parole. We would like to recognize officials and staff at the Attorney General's office, the Judiciary and probation, Hawaii Paroling Authority, and of course the Department of Public Safety for their efforts to make data available and assist in the analysis throughout this process. The Department of Public Safety (PSD) deserves particular recognition for the data collection and access that

Director Maesaka-Hirata and her staff provided to this process. Along with these quantitative analyses, we convened focus groups and interviews with numerous practitioners and stakeholders from around the state, including prosecutors, victim advocates, judges, parole board members, probation officers, law enforcement officials, and others.

Overview

Overall, we found that despite a decline in crime over the past five years, the overall jail and prison population has not significantly changed. The analysis found that key areas of the criminal justice system are not operating as cost-effectively as they could to reduce crime and increase public safety.

1. Analyses found that Hawaii's pre-trial process is one of the longest in the nation. The pre-trial assessment process takes much longer in Hawaii (several months on average, whereas it takes just days or a few weeks in other jurisdictions) and budget cuts have caused these already long processes to be delayed even further. The result has been millions of dollars spent needlessly on a growing pre-trial population.
2. Prisoners are required to complete programs that don't benefit public safety. Assessments are not currently being used appropriately to put the right people in the right programs, based on the research. As a result, offenders who are most likely to be successful upon release have been spending longer behind bars and those offenders most likely to benefit from programs have been unable to get the programs they need to make the public safe.
3. Hawaii often releases those people most likely to reoffend back to communities without any supervision or monitoring. Prisoners likely to commit more crime are exploiting loopholes in the system that allows them to return to the community with nobody holding them accountable.
4. Restitution for victims is not being adequately collected. Current statutes only require people to pay ten cents to victims for every dollar they earn behind bars, even if they have hundreds and thousands of dollars deposited into their individual account.

Justice Reinvestment Policy Framework

In consultation with the inter-branch working group, the CSG Justice Center developed a package of policy options to address these inefficiencies, hold offenders more accountable, and reinvest savings in more effective public safety strategies.

The policy options from the policy framework included in would do the following:

- Increase efficiency in the pre-trial process. The bill requires PSD to conduct a pre-trial assessment within three working days. This will require resources to

conduct these assessments proactively and quickly, but is much cheaper than the current process which the data suggests is longer than 39 of the largest counties in the nation.

- Increase efficiency in the parole decision-making process. The parole board in Hawaii has more responsibility and power over the length of time sentenced felony offenders serve than any other board in the country. Yet, they have fewer board members than most other states. With only three parole board members and two required at each hearing, there is little flexibility to ensure timely and complete hearings are held. This bill adds a fourth part-time member to the board to reduce the likelihood of unnecessary delays or incomplete hearings.
- Reduce reoffending by focusing prison-based programs on those who will benefit the most from treatment. This bill requires that a validated risk assessment be conducted on every sentenced offender to determine who is most likely to succeed and not reoffend after release and who is most likely to commit another crime. This bill requires that offenders most likely to be successful should be paroled after serving the sentence set by the parole board. Additional incapacitation beyond the minimum sentence date should be reserved for keeping those offenders more likely to reoffend behind bars until they complete treatment and have a suitable parole plan.
- Increase accountability and reduce recidivism by using swift, certain, and graduated sanctions for parolees. This bill calls for differentiating the severity of the response to violations. By limiting reincarceration for the first condition violation at six months, resources can be reinvested in additional parole officers and community-based programs to strengthen supervision while still imposing stiff sanctions on those that violate repeatedly, abscond, or are charged with a new felony.
- Ensure accountability by requiring a minimum period of supervision after prison for those offenders who have not been previously parole and would otherwise be released without any transition. This bill requires that a small percentage of an offender's maximum sentence be served on parole supervision to monitor their behavior, create a safety plan for victims, and alert law enforcement. Such an approach is commonplace in most states that adopted truth in sentencing during the last two decades. In those states, most require an even greater percentage of each offender's sentence to be served under supervision at the end.
- Improve and increase victim restitution collected from offenders while they are incarcerated. This bill would increase the percentage collected from 10 percent to 25 percent, and would collect from not just wages (which typically amount to \$20 per month) but any deposits made to the individual offender's account. This will increase restitution collected for victims dramatically. In addition, the bill allows for reinvestment in a stronger system of accountability within the Crime Victim Compensation Commission to document restitution collection rates and progress.

Impact

Based on the analysis we conducted, we anticipate that this bill would contribute to increasing public safety in three ways. First, by addressing the inefficiencies that tie up resources in ways that do not reduce crime and reinvesting in ways that do. Second, by focusing resources spent on supervision, incarceration, and treatment on those individuals who are most likely to benefit from those investments in terms of reducing their likelihood of committing another crime. Third, by increasing accountability in Hawaii's criminal justice system by mandating a period of supervision and increasing the amount of victim restitution collected.

Unless policymakers take action, the inefficiencies identified will cost Hawaii \$150 million over the next six years alone. Adopting the policies would avert all of those costs by gradually reducing the pre-trial jail population and the sentenced population as fewer people are delayed for release due to lack of information, first time parole violators come back to prison for shorter, swifter sanctions, and people are released in ways that most likely benefit public safety. Nearly all offenders who come into PSD's jail and prison facilities each and every year will be released at some point. This bill aims to improve how they are released, to require supervision, to avoid delaying someone's release simply because of inefficient processes and a lack of timely assessment or decision-making.

At the same time, the bill requires an estimated \$7 million to be spent annually on investments in each of the following critical areas of the criminal justice system:

- Victim Services, Notification & Restitution Collection
- Prison, Reentry and Community Based Treatment Programs
- Probation and Parole Supervision
- Research and Planning

Thank you, Chair Keith-Agaran, Vice Chair Rhoads, and members of the committee, for the opportunity to share our research and findings with you as you work to find ways of increasing public safety while containing costs.



Date: March 20, 2012

To: The Honorable Gilbert S. C. Keith-Agaran, Chair
The Honorable Karl Rhoads, Vice Chair
Committee on Judiciary

From: Nanci Kreidman, M.A.

re: S.B. 2776, S.D. 2, H.D. 1
Relating to Public Safety

Good afternoon. Thank you for the opportunity to express **strong support** for S.B. 2776, S.D. 2, H.D. 1, which provides positions and funding for crime victims services to the county prosecutor's offices, establishes a victim service program in PSD, continues funding for the Statewide Automated Victim Notification System, and establishes a restitution accountability program in the Crime Victim Compensation Commission.

Crime victims services provide trained advocates that assist victims through the legal process. The advocates help to create a safe environment for victims who are required by the judicial system to be in the same vicinity as their abusers. Likewise, the victim notification services and safety planning services through PSD is vital to the safety of victims. Maintaining and strengthening these programs is essential.

Increasing inmate contribution to restitution to 25% of all income would assist victims in recouping financial losses caused by their abusers. Too many victims are adversely affected financially by injuries and losses caused by their abusers. An increase in restitution payments helps to lessen the financial burden of being a victim.

Thank you for your consideration.



THE SEX ABUSE TREATMENT CENTER

A Program of Kapi'olani Medical Center for Women & Children

Executive Director
Adriana Ramelli

Advisory Board

President
Mimi Beams

Vice President
Peter Van Zile

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

Marilyn Carlsmith

Senator
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Senator
Carol Fukunaga

Frank Haas

David I. Haverly

Linda Jameson

Roland Lagareta

Michael P. Matsumoto

Phyllis Muraoka

Gidget Ruscetta

Paul B.K. Wong

DATE: March 21, 2012

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Karl Rhoads, Vice Chair
Committee on Judiciary

FROM: Adriana Ramelli, Executive Director
The Sex Abuse Treatment Center

RE: S.B. 2776, S.D. 2, H.D. 1
Relating to Public Safety

Good afternoon Chair Keith-Agaran, Vice Chair Rhoads and members of the Committee on Judiciary. My name is Adriana Ramelli and I am the Executive Director of the Sex Abuse Treatment Center (SATC), a program of the Kapi'olani Medical Center for Women & Children (KMCWC), an affiliate of Hawai'i Pacific Health.

The SATC takes no position on S.B. 2776, S.D. 2, H.D.1 other than to support provisions in Sections 14 and 15 to provide positions and funding for crime victim services to the county prosecutors' offices, to establish a victim service program in PSD, funding to continue the Statewide Automated Victim Notification System, and a restitution accountability program in the Crime Victim Compensation Commission.

The SATC has worked closely with the victim assistance programs for many years to ensure that sexual assault victims receive the help they need when interfacing with the criminal justice system. Additionally, the SATC has worked closely with the Crime Victim Compensation Commission, whose restitution accountability program is crucial to ensuring that victims of sexual assault receive financial assistance to cover the costs of critical mental health treatment. The provision of victim notification services and safety planning services through the Department of Public Safety upon release of sex offenders would also be vital to the safety of victims of sexual violence and to the public at large.

In summary, the SATC strongly supports the victim-centered provisions in Sections 14 and 15 in this bill. Thank you for the opportunity to testify.



Committee: Committee on Judiciary
Hearing Date/Time: Wednesday, March 21, 2012, 2:15 p.m.
Place: Conference Room 325
Re: Testimony of the ACLU of Hawaii in Support of and With Comments to S.B. 2776, SD2, HD1, Relating to Public Safety

Dear Chair Keith-Agaran and Members of the Committee on Judiciary:

The ACLU supports the elimination of excessively harsh sentencing policies that contribute to the over-incarceration of low-risk offenders. Risk assessment instruments, as provided for S.B. 2776, SD2, HD1, have the potential to identify low-risk defendants or prisoners that can be released without impacting public safety, thereby saving the state the high cost of incarcerating such people. The use of these tools helps to ensure the most effective allocation of state resources, as well as the fair and objective administration of the law.

Please consider making the following amendments to S.B. 2776, SD2, HD1:

- Amend section 3(b)(3) to require that all defendants receive a risk assessment prior to a bail hearing to ensure that the court can set a proper bail based on an accurate measure of the defendant's risk of endangering public safety.

We urge the adoption of several additional requirements so that the risk assessment provides the most precise and scientifically correct results.

Please note that this amendment will exclude persons with detainers placed by the federal government and save the state a significant amount of money. Currently, for example, the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), can place a 48-hour hold on an individual, meaning that the State can legally detain the individual for 48 hours past the individual's designated release time. This gives ICE an opportunity to take the person into federal custody for the purposes of placing the person in removal (*i.e.*, deportation) proceedings. That 48 hour clock, however, typically does not begin to run until the incarcerated individual is legally "free" from the State's custody – that is, after the person has posted bail, finished his sentence, or been released on parole. What often happens – and what this legislation seeks to make permanent – is that the State simply does not bother to release the individual on the basis that the individual will simply be taken into custody by ICE. The 48-hour clock never starts running – meaning that the State is paying to incarcerate an individual merely because ICE might want to place the person in immigration proceedings. ICE, for its part, won't bother to spend the money to incarcerate an individual if Hawaii will do it for them for free, so individuals end up serving much longer in jail or prison than necessary.

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

Instead, the better course is to release the person from State custody (if appropriate to do so under the circumstances) and let ICE decide for itself whether to expend the resources to take the person into custody. Consequently, a parole decision should not be based on the existence of a federal detainer. If ICE wants to deport the individual, that decision is up to ICE; Hawaii should not pay to incarcerate an individual based solely on the immigration offense – that is the federal government's responsibility.

Suggested Amendment

Section 3(b)(3). [The centers shall] Provide risk assessments on adult defendants prior to a bail hearing. For purposes of this paragraph, "risk assessment" means an independently validated actuarial tool that is objective, research-based, and scientifically proven using static and dynamic factors to determine a person's likelihood of endangering public safety and risk of flight. The department of public safety shall select an assessment tool that is tested on the state's local population for the purpose for which it will be used, and validated for accuracy at least every three years. Only adequately trained staff may conduct assessments.

- Amend section 7(e) to limit re-incarceration for technical violations of parole to a 90 day maximum sentence.

The six month confinement provided for by H.B. 2514, H.D. 3, however, is overly harsh for a violation that could be as simple as missing a meeting. We urge the adoption of a 90 day maximum sentence, and protection for innocent persons that are charged, but not convicted, of a new felony while on parole.

Suggested Amendment

Section 7(e): If the paroled prisoner is retaken and reimprisoned for violating a condition of parole but has not: (1) Been convicted of a new felony offense; . . . the paroled prisoner shall be confined for no more than 90 days or for that portion of the paroled prisoner's term remaining unserved at the time of parole, whichever is shorter, unless it is determined by the paroling authority that the prisoner constitutes a significant risk to the safety of others or the prisoner's self that can only be mitigated by additional incarceration.

- Amend section 8(1) to release prisoners who do not pose a risk to society and greatly reduce incarceration costs by allowing people to return to the workforce.

We urge the adoption of several additional risk assessment requirements, to ensure that the results are as scientifically accurate as possible. We also support eliminating the misdemeanor

exception in subsection (1)(a). A person who commits misconduct as minor as knowingly accessing a computer without authorization (equivalent to a misdemeanor under § 708-895.7, Hawaii Revised Statutes) poses no threat to public safety. Excluding such prisoners from mandatory parole upon completion of the minimum sentence would require the state to waste unnecessary resources on continued incarceration. Note that this amendment will also exclude persons with federal detainers and save the state money.

Suggested Amendment

Section 8(1): For purposes of this subsection, “validated risk assessment” means an independently validated actuarial tool that is objective, research-based, and scientifically proven using static and dynamic factors to determine a person’s likelihood of endangering public safety. The department of public safety shall select an assessment tool that is tested on the state’s local population for the purpose for which it will be used, and validated for accuracy at least every three years. Only adequately trained staff may conduct assessments. A person who is assessed as low risk for re-offending shall be granted parole upon completing the minimum sentence, unless the person:

- (a) Is found to have committed misconduct while in prison that is equivalent to a felony crime within two years of the expiration of the minimum term of imprisonment;
- (b) Has any pending felony charges in the State;
- (c) Is incarcerated for a sexual offense under part V of chapter 707 or child abuse under part VI of chapter 707 and has not successfully completed a sex offender treatment program; or
- (d) Is determined by the paroling authority to currently constitute a significant risk to the safety or property of other persons that can only be mitigated by additional incarceration.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 45 years.

Thank you for this opportunity to testify.

Sincerely,
Laurie A. Temple, Staff Attorney

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org



To: The Honorable Gilbert S. C. Keith Agaran, Chair
The Honorable Karl Rhoads, Vice Chair
Committee on Judiciary

From: Veronika Geronimo, Executive Director
Hawaii State Coalition Against Domestic Violence

Re: S.B. 2776, S.D. 2, H.D. 1, Relating to Public Safety - SUPPORT

Committee Hearing: 3/21/2012 2:15:00 PM

Good afternoon Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee on Judiciary. My name is Veronika Geronimo and I am the Executive Director of the Hawai'i State Coalition Against Domestic Violence. As a statewide coalition of domestic violence service providers, our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice. **The Hawai'i State Coalition Against Domestic Violence lends its strong support to S.B. 2776, S.D. 2, H.D. 1.**

Sections 14 and 15 of the bill provides much needed staff positions and funding for crime victim services in the Department of Public Safety and county prosecutor's offices; establishes a victim service program in PSD; continues funding for the statewide Automated Victim Notification System; and establishes a restitution accountability program in the Crime Victim Compensation Commission. These services are necessary for the safety of the domestic violence survivors in criminal cases.

The crime victim services in the prosecutor's offices assists domestic violence survivors through the unfamiliar and emotionally trying court process. The crime victim services also help to keep domestic violence survivors safe throughout the legal process which forces the domestic violence survivors to confront their abuser. The Automated Victim Notification System provides another measure of safety for the domestic violence survivor.

The requirement for validated risk assessments before bail can be set, increases the likelihood that dangerous defendants remain in custody. Moreover, requiring validated risk assessment be utilized also increases the likelihood that dangerous defendants are identified.

Section 14 and 15 are critical in light of the Justice Reinvestment Initiative's (JRI) proposals to increase supervised release of felons. These provisions will work hand-in-hand with other JRI proposals to increase victim and public safety.

Thank you for your consideration.

March 21, 2012

Julie McFarland
Radiation Therapist, Bachelors of Social Work

Rep. Tom Brower
Rep. Rida T.R. Cabanilla
Rep. Mele Carroll
Rep. Denny Coffman
Rep. Robert N. Herkes
Rep. Ken Ito
Rep. Sylvia Luke

Rep. Angus L.K. McKelvey
Rep. Joseph M. Souki
Rep. Clift Tsuji
Rep. George R. Fontaine
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

COMMITTEE ON JUDICIARY
Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair

Dear Chair Keith-Agaran, Vice Chair Rhoads, committee members Brower, Cabanilla, Carroll, Coffman, Herkes, Ito, Luke, McKelvey, Souki, Tsuji, Fontaine, Marumoto and Thielen,

I am writing in **support** of SB 2776, SD2, HD1 RELATING TO PUBLIC SAFETY.

This bill is vital if we are to bring our local prisoners back to Hawaii while supporting an O'hana based plan of reintegrating criminals back into society. I am a local resident and part Hawaiian ancestry and understand the importance of keeping our local inmates here at home. This Bill also supports victims and restitution fulfillment of the criminals more efficiently while incarcerated.

Having been a victim of crime, I can tell you firsthand how important the inclusion of the local office of Crime Victim Compensation Commission and the recovery of restitution. Crime victims demand this support and deserve to be supported by this important legislation.

The other arm of this vitally necessary legislation is the Risk Assessment piece. How many of us have to be re-victimized by those arrested and not assessed before being released back to our communities. This current practice is not only unfair to those of us that live by the rules of society, but it does not send a positive message to those that chose to break the law. Some of those arrested are not career criminals nor pose a danger to society but are being kept in custody for an average of 110 days as they are unable to post bond, is in my opinion unnecessary and immoral.

I have reviewed the Ohio Risk Assessment System
([www.assessments.com/.../ORAS Final Report and Validation.pdf](http://www.assessments.com/.../ORAS_Final_Report_and_Validation.pdf))
and suggest you do so as well. This risk assessment procedure is very basic and highly insightful as to the actual risk of someone released from custody reoffending while awaiting trial.

Thank you for the opportunity to give testimony.



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004
www.maddhawaii.com

March 21, 2012

To: Representative Gilbert S.C. Keith-Agaran, Chair –House Committee on Judiciary;
Representative Karl Rhoads, Vice Chair and members of the Committee

From: Carol McNamee - Co-chairman, Public Policy Committee - MADD Hawaii

Re: Senate Bill 2776, SD2,HD1 – Relating to Public Safety

I am Carol McNamee, offering testimony on behalf of the Hawaii members of Mothers Against Drunk Driving in support of Senate Bill 2776,SD2,HD1, relating to Public Safety.

MADD is one of the largest victim organizations in the country, serving 60,000 victims of drunk and drugged driving in 2011 – one every 9 minutes. Our mission has three parts: to stop drunk driving; to support the victims of this violent crime, and to prevent underage drinking. The organization's slogan is "the voice of the victim." Not only does MADD provide an understanding and comforting environment for victims, the organization is a strong advocate for the rights of individual victims of highway crashes and for the general rights of the entire universe of victims of violent crime across the country.

MADD in Hawaii has been serving victims for over 28 years – providing grief materials, comfort and support, access to counseling, and criminal justice system advocacy. Almost exactly nine years ago, MADD dedicated its beautiful bronze Memorial to all victims of violent crime. It is located at the ewa end of Kaka'ako Waterfront Park. SB 2776,SD2, HD1 will provide improved treatment for the thousands of victims of violent crime throughout the state.

This bill incorporates major recommendations of the Justice Reinvestment Initiative. MADD is especially supportive of the JRI legislative package's inclusion of significant funding for victim services. In fact, under this proposal, Hawai'i will become the only state where funds are reinvested in victim services. JRI recommendations include funding for 13 new victim assistance staff in the several county prosecutors' offices, funding to continue the Statewide Automated Victim Notification Program (the "SAVIN Program"), funding to establish a Victim Services Unit in PSD, and funding for a restitution accountability program in the Crime Victim Compensation Commission.

The JRI reinvestment in victim services promises to improve restitution collections. MADD has identified issues surrounding restitution as a major concern to our victims and a source of revictimization. This bill also ensures that, through an automated system providing information about offenders' parole hearings and release dates, victims will receive enough advance notification to speak at the hearings if they so wish.

MADD also understands the value of, and supports the concept of, risk assessment so that higher risk individuals, which would include negligent homicide - 1st^o and manslaughter offenders will be assured the appropriate programs and oversight to protect the safety of the public.

MADD believes that, as an organization with a huge stake in an efficient and effective justice system and a mission to support victims in the very best ways possible, we owe it to all who support our organization or who use our services to strongly support SB 2776,SD2, HD1. We urge the committees to pass this measure.

Thank you for this opportunity to testify.



Testimony Presented to the
House Committee on Judiciary
Wednesday, March 21, 2012 at 2:15 pm

by

Chaminade University of Honolulu
Bro. Bernard J. Ploeger, SM, PhD
President

SB 2776 SD2 HD1
Relating to Public Safety

Dear Chair Keith-Agaran, Vice Chair Rhoads and members of the Committee:

Thank you for the opportunity to provide testimony in **support** of SB 2776 SD2, Relating to Public Safety

I and the members of the University's Criminal Justice faculty judge that this bill is appropriately responsive to the recommendations the State Department of Public Safety received in the recent study conducted as a part of the Justice Reinvestment Initiative. We find this bill addresses many of the causes that currently contribute to our overburdened and inefficient correctional system. Given our longstanding commitment to the preparation of public safety and law enforcement officials and as the only University in the State offering a master's degree in Criminal Justice Education we wish to add our endorsement of this measure.

Thank you for allowing us to submit this testimony.

Bro Bernard J Ploeger, SM

COMMITTEE ON JUDICIARY

Rep. Gil Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Wednesday, March 21, 2012

2:15 p.m.

Room 325

STRONG SUPPORT SB 2776 SD2, HD1 - JUSTICE REINVESTMENT

Aloha Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee,

I am writing as a concerned citizen with an interest in wise criminal justice policies that enhance public safety, are cost effective, and assist those leaving prison to successfully integrate into and become contributing members of society.

SB 2776 SD2, HD1 is based on analysis and policy options developed as part of the justice reinvestment initiative. It amends statutes to require a pre-trial risk assessment be conducted within three working days, expands the parole board and requires the use of validated risk assessments to guide parole decisions, limits the length of incarceration for first-time parole violators, increases victim restitution payments by inmates, and requires a period of parole supervision prior to the maximum sentence date.

Hawaii is extremely fortunate to have had the assistance of the Council of State Government's Justice Center in conducting a long overdue independent study of Hawaii's criminal justice system. The recommendations of the study are based on insights and outcomes of successful criminal justice programs from around the country.

The recommendations in SB 2776 SD2, HD1 to require a pre-trial risk assessment within three working days, to expand the parole board and require the use of validated risk assessments to guide parole decisions, to limit the length of incarceration for first-time parole violators, etc., will all bring needed changes that will channel offenders into the most appropriate programs, use taxpayer monies more wisely and effectively, and will ultimately enhance public safety in Hawaii.

Please support SB 2776 SD2, HD1.

Mahalo,

Diana Bethel

Testimony for SB2776 on 3/21/2012 2:15:00 PM

Testimony for SB2776 on 3/21/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 20, 2012 5:58 AM

To: JUDtestimony

Cc: maukalani78@hotmail.com

Testimony for JUD 3/21/2012 2:15:00 PM SB2776

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: elaine funakoshi

Organization: Individual

E-mail: maukalani78@hotmail.com

Submitted on: 3/20/2012

Comments:

Dear Chair Keith-Agaran, Vice Chair Rhoads and Members of the Judiciary Committee:

STRONG SUPPORT for SB2776 SD2, HD1, EXCEPT for:

I OPPOSE the Victim Restitution section of the bill. As in my previous testimonies, the inmates are penalized in many different ways, but this section penalizes the families/ohana by taking 25% of the inmate's total deposit for the Victim Restitution fund. The 25% or (\$25 out of every \$100) is a very severe penalty for people who did not commit any crime and are depositing hard-earned money into the inmate's account. It would be fair to take 25% out of the money that the inmates earn.

May your committee please consider my humble request to pass this bill with the deletion of the section which increases to 25% monies taken out of the inmate's total account for the Victim Restitution Fund, which would penalize the families/ohana.

Thank you for the opportunity to submit my testimony.

With much Mahalo and Aloha,

elaine funakoshi

Testimony for SB2776 on 3/21/2012 2:15:00 PM

Testimony for SB2776 on 3/21/2012 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 20, 2012 7:40 AM

To: JUDtestimony

Cc: jorywatland@att.net

Testimony for JUD 3/21/2012 2:15:00 PM SB2776

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Jory Watland

Organization: Individual

E-mail: jorywatland@att.net

Submitted on: 3/20/2012

Comments:

Chair Keith-Agaran and members of the committee:

I urge your support for SB 2776. Treating incarcerated individuals as people of worth is an essential value of a humane society. Hawaii values require us to respect each person.

Pastor Jory Watland